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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,098	02/26/2002	Michael P. Hills	MS160206.01	5421

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EXAMINER	
NGUYEN, VAN H	
ART UNIT	**PAPER NUMBER**
2194	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/083,098	HILLS ET AL.	
	Examiner	Art Unit	
	VAN H. NGUYEN	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 October 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8 and 10-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8 and 10-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 February 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *02/21/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. In view of the Appeal Brief filed on 10/31/2006, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

The amendment filed 02/28/2006 has been entered. Claims 1-8 and 10-27 are currently pending in this application.

Specification

2. Descriptive Title Required

The title of the invention is not descriptive. The title should be as "specific as possible" 37 CFR 1.72 while not exceeding "500 characters in length". The title should provide "informative value" and serve to aid in the "indexing, classifying, searching" and other Official identification functions. A new title is required that is clearly indicative of the invention to which the claims are directed. MPEP606.01

Claim Objections

3. Claims 1, 4, 14, 15, 25, and 27 are objected to because of the following informalities:

- the abbreviations used in claims 1, 14, 15, 25, and 27 should be defined; and
- *"The system of claim 1"* (claim 4, line 1) should read *"The system of claim 3"*

Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-8, 10-14, and 25-27 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

- Claims 1-8, 10-14, 25, and 26 recite *a computer implemented system/ a computer system/ a computer executable system* in the preamble only, the body of the claims merely contain software components. Therefore, the claims are a program per se and are not tangibly embodied and therefore not a *"system"*.

- Claim 27 is directed to a data structure per se and is not statutory. Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See, e.g., Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory). Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.

Claims which are broad enough to read on statutory subject matter or on non-statutory subject matter are considered non-statutory. Cf. In re Lintner, 458 F.2d 1013, 1015, 173

USPQ 560, 562 (CCPA 1972) ("Claims which are broad enough to read on obvious subject matter are unpatentable even though they also read on nonobvious subject matter.") During prosecution, applicant can amend to limit the claims to statutory subject matter.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8 and 10-27 are rejected under 35 U.S.C. 102(e) as being anticipated by **Stanley** (US 6,219,742). The reference was cited by the Examiner in the Office Action mailed 06/29/05.

As to claim 14:

Stanley teaches a computer system holding computer executable components that facilitate access to an SMBus *(e.g., detection of events occurring in an ACPI-compatible system operating with a number of external devices, coupled to the platform (whether on the systemboard or via a PCI or other bus connection) via a set of General Purpose*

Event register blocks. The ACPI, or the Advanced Control and Power Interface, is a new paradigm for interfacing hardware and software. In an ACPI environment, both hardware/software interfacing and power management are determined by the operating system, rather than by the system Basic Input Output System and by the Advanced Power Management. The ACPI is intended to define hardware and software interfaces flexibly and abstractly, to allow flexible hardware and operating system design and implementation, with a minimum of inflexible interface requirements) [see the Abstract and the discussion beginning at col.3, line 66] comprising:

- a computer executable identifier that identifies an SMBus event notification at a driver *(e.g., see the ACPI driver and events discussion beginning at col.4, line 17)*; and
- a computer executable dispatcher in the driver that directly dispatches the SMBus event notification to a computer executable AML event handler *(e.g., see the event dispatching and event handler discussion beginning at col.6, line 32).*

As to claim 27:

The rejection of claim 14 above is incorporated herein in full. Additionally, Stanley teaches at least one indexed AML code entry point; and at least one AML event handler entry point associated with the at least one indexed AML code entry point *(e.g., see the AML and event handler discussion beginning at col.4, line 17).*

As to claim 25:

The rejection of claim 14 above is incorporated herein in full. Additionally, Stanley teaches the use of a _Qxx control method *(e.g., see the _Qxx control method discussion beginning at col.12, line 12);* and computer implemented means for locating an AML code event handler associated with the SMBus notification *(e.g., see the event handler discussion beginning at col.4, line 17).*

As to claim 26:

Stanley teaches means for the AML code event handler to access a data object employed to communicate with an SMBus *(see the discussion beginning at col.3, line 66).*

As to claim 15:

The rejection of claim 14 above is incorporated herein in full. Additionally, Stanley teaches receiving an SMBus event notification at a driver *(e.g., see the ACPI driver and events discussion beginning at col.4, line 17)*; and handling the SMBus event notification in AML code *(see the event handling discussion beginning at col.6, line 32).*

As to claim 16:

Stanley teaches the SMBus event notification is identified by examining at least one of a data and a status associated with the SMBus event notification *(see the discussion beginning at col.8, line 67).*

As to claim 17:

Stanley teaches indexing to a _Qxx control method via a registered AML event handler *(e.g., the registers and _Qxx control method discussion beginning at col.7, line 35).*

As to claim 18:

Stanley teaches reading an operation region associated with the SMBus that generated the SMBus notification *(see the discussion beginning at col.7, line 35).*

As to claim 19:

Stanley teaches the operation region is accessed by a three parameter read, where a first parameter holds an initial data, a second parameter holds a reference to the operation region to be accessed and a third parameter holds data read from the operation region *(see the discussion beginning at col.16, line 42).*

As to claim 20:

Stanley teaches the operation region is accessed by a three parameter read, where a first parameter holds an initial data, a second parameter holds a reference to the operation region to be accessed and a third parameter holds a reference to data read from the operation region *(see the discussion beginning at col.16, line 42).*

As to claim 21:

Stanley teaches writing an operation region associated with the SMBus that generated the SMBus notification *(see the discussion beginning at col.16, line 42).*

As to claim 22:

Stanley teaches the operation region is written by a three parameter write, where a first parameter holds a data to be written to the operation region, a second parameter holds a reference to the operation region and a third parameter holds a returned status call *(see the discussion beginning at col.16, line 42)*.

As to claim 23:

Stanley teaches the operation region is written by a three parameter write, where a first parameter holds a reference to a data to be written to the operation region, a second parameter holds a reference to the operation region and a third parameter holds a returned status call *(see the discussion beginning at col.16, line 42)*.

As to claim 24:

Stanley teaches the use of computer readable medium *(e.g., memory; see Fig.6C)*.

As to claim 1:

The rejection of claim 14 above is incorporated herein in full. Additionally, Stanley teaches the AML event handler employs, among other things, a three parameter buffer access read method to read data from an operation region associated with the SMBus *(see the discussion beginning at col.16, line 42)*.

As to claim 2:

Stanley teaches the driver receives a status and a data associated with the SMBus event from the SMBus *(see the discussion beginning at col.8, line 67).*

As to claim 3:

Stanley teaches the driver employs a _Qxx control method to dispatch the SMBus event to the AML event handler *(e.g., see the _Qxx control method discussion beginning at col.12, line 12).*

As to claim 4:

Stanley teaches at least one AML event handler entry point is accessed by the _Qxx control method *(e.g., see the _Qxx control method discussion beginning at col.12, line 12).*

As to claim 5:

Stanley teaches a first parameter of the three parameter buffer access read method provides an initial data to a computer component providing access to the operation region associated with the SMBus *(see the discussion beginning at col.16, line 42).*

As to claim 6:

Stanley teaches a second parameter of the three parameter buffer access read method is a reference to the operation region associated with the SMBus from which the data will be read *(see the discussion beginning at col.16, line 42)*.

As to claim 7:

Stanley teaches a third parameter of the three parameter buffer access read method holds data read from the operation region identified by the second parameter *(see the discussion beginning at col.16, line 42)*.

As to claim 8:

Stanley teaches e a third parameter of the three parameter buffer access read method is a reference to a location to store the data read from the operation region identified by the second parameter *(see the discussion beginning at col.16, line 42)*.

As to claim 10:

Stanley teaches a first parameter of the three parameter buffer access write method is the data to be written to the operation region associated with the SMBus *(see the discussion beginning at col.16, line 42)*.

As to claim 11:

Stanley teaches a first parameter of the three parameter buffer access write method is a reference to the data to be written to the operation region associated with the SMBus *(see the discussion beginning at col.16, line 42)*.

As to claim 12:

Stanley teaches a second parameter of the three parameter buffer access write method is a reference to the operation region associated with the SMBus to which the data will be written *(see the discussion beginning at col.16, line 42)*.

As to claim 13:

Stanley teaches a third parameter of the three parameter buffer access write method is a status code returned by a computer component providing access to the operation region associated with the SMBus *(see the discussion beginning at col.16, line 42)*.

Response to Arguments

6. Applicant's arguments filed 10/31/2006 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record, listed on PTO 892 provided to Applicant is considered to have relevancy to the claimed invention. Applicant should review each identified reference carefully before responding to this office action to properly advance the case in light of the prior art.

Contact Information

8. Any inquiry or a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: (571) 272-2100.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN H. NGUYEN whose telephone number is (571) 272-3765. The examiner can normally be reached on Monday-Thursday from 8:30AM 6:00PM. The examiner can also be reached on alternative Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM THOMSON can be reached at (571) 272-3718.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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